

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1043 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person ~~desiring~~
- 4 **who seeks to obtain** a license to carry a handgun shall apply:
- 5 (1) to the chief of police or corresponding law enforcement officer
- 6 of the municipality in which ~~he~~ **the person** resides;
- 7 (2) if that municipality has no such officer, or if the applicant does
- 8 not reside in a municipality, to the sheriff of the county in which
- 9 ~~he~~ **the person** resides after ~~he~~ **the person** has obtained an
- 10 application form prescribed by the superintendent; or
- 11 (3) if ~~he~~ **the person** is a resident of another state and has a regular
- 12 place of business or employment in Indiana, to the sheriff of the
- 13 county in which ~~he~~ **the person** has a regular place of business or
- 14 employment.
- 15 (b) The law enforcement agency which accepts an application for a
- 16 handgun license shall collect a ten dollar (\$10) application fee, five
- 17 dollars (\$5) of which shall be refunded if the license is not issued.
- 18 Except as provided in subsection (g), the fee shall be:
- 19 (1) deposited into the law enforcement agency's firearms training
- 20 fund or other appropriate training activities fund; and
- 21 (2) used by the agency for the purpose of:
- 22 (A) training law enforcement officers in the proper use of
- 23 firearms or other law enforcement duties; or
- 24 (B) purchasing for the law enforcement officers employed by

1 the law enforcement agency firearms, or firearm related
2 equipment, or both.

3 The state board of accounts shall establish rules for the proper
4 accounting and expenditure of funds collected under this subsection.

5 (c) The officer to whom the application is made shall ascertain
6 ~~concerning the applicant~~ **applicant's** ~~his~~ name, full address, length of
7 residence in the community, whether ~~his~~ **the applicant's** residence is
8 located within the limits of any city or town, occupation, place of
9 business or employment, criminal record, if any, and convictions
10 (minor traffic offenses excepted), age, race, sex, nationality, date of
11 birth, citizenship, height, weight, build, color of hair, color of eyes,
12 scars and marks, whether the applicant has previously held an Indiana
13 license to carry a handgun and, if so, the serial number of the license
14 and year issued, whether ~~his~~ **the applicant's** license has ever been
15 suspended or revoked, and if so, the year and reason for the suspension
16 or revocation, and the applicant's reason for desiring a license. The
17 officer to whom the application is made shall conduct an investigation
18 into the applicant's official records and verify thereby the applicant's
19 character and reputation, and shall in addition verify for accuracy the
20 information contained in the application, and shall forward this
21 information together with ~~his~~ **the** recommendation for approval or
22 disapproval and one (1) set of legible and classifiable fingerprints of
23 the applicant to the superintendent.

24 (d) The superintendent may make whatever further investigation ~~he~~
25 ~~deems the superintendent believes~~ necessary. Whenever disapproval
26 is recommended, the officer to whom the application is made shall
27 provide the superintendent and the applicant with ~~his~~ complete and
28 specific reasons, in writing, for the recommendation of disapproval.

29 (e) If it appears to the superintendent that the applicant has a proper
30 reason for carrying a handgun and is of good character and reputation
31 and a proper person to be so licensed, ~~he~~ **the superintendent** shall
32 issue to the applicant a qualified or an unlimited license to carry any
33 handgun lawfully possessed by the applicant. The original license shall
34 be delivered to the licensee. A copy shall be delivered to the officer to
35 whom the application for license was made. A copy shall be retained
36 by the superintendent for at least four (4) years. This license shall be
37 valid for a period of four (4) years from the date of issue. The license
38 of police officers, sheriffs or their deputies, and law enforcement
39 officers of the United States government who have been honorably
40 retired by a lawfully created pension board or its equivalent, after
41 twenty (20) or more years of service, shall be valid for the life of such
42 individuals. However, such lifetime licenses are automatically revoked
43 if the license holder does not remain a proper person.

44 (f) A license to carry a handgun shall not be issued to any person
45 who:

46 (1) has been convicted of a felony;

- (2) is under ~~eighteen (18)~~ **twenty-one (21)** years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

SECTION 2. IC 35-47-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon (as defined in IC 35-50-2-11) to any person under ~~eighteen (18)~~ **twenty-one (21)** years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person who the person has reasonable cause to believe:

- (1) has been:
 - (A) convicted of a felony; or
 - (B) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;
- (2) is a drug abuser;
- (3) is an alcohol abuser; or
- (4) is mentally incompetent.

SECTION 3. [EFFECTIVE JULY 1, 2001] **(a) IC 35-47-2-3, as amended by this act, does not apply to a license to carry a handgun**

that was issued before July 1, 2001, to a person less than twenty-one (21) years of age.

(b) This SECTION expires July 1, 2004.

(Reference is to HB 1043 as printed February 22, 2001.)

Representative Smith V